

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG (STAUNTON) DIVISION

IN RE:

MELISSA L. MURPHY

Bk. No. **13-50284**
Chapter 7

Debtor

MOTION

George I. Vogel, II, Chapter 7 Trustee of Melissa L. Murphy hereby moves the Court for an order directing the manner in which the undersigned shall hereafter communicate with the Debtor and the Debtor's counsel and in support thereof would respectfully show unto the Court as follows:

1. That he is the duly qualified and acting Chapter 7 Trustee for Melissa L. Murphy.
2. That this case was originally filed under Chapter 13 of the Bankruptcy Code on March 5, 2013 by Lucy Ivanoff as counsel for the Debtor and thereafter the case was converted by the Debtor to a case under Chapter 7 of the Bankruptcy Code on April 3, 2013.
3. That there has been no motion made by Lucy Ivanoff to be removed as counsel for Melissa L. Murphy and no order has been entered removing Lucy Ivanoff as such counsel and she continues as counsel of record for the Debtor.
4. That the Debtor has requested information from the undersigned regarding her case stating that she is unable to communicate with her counsel.
5. That the undersigned is precluded from communicating directly with the Debtor by Rule 4.2 of the Virginia Rules of Professional Conduct and Legal Ethics Opinion number 1861, unless counsel for the Debtor consents to such communication, or if the communications are otherwise authorized by law or court rule.
6. That the undersigned has requested from Lucy Ivanoff her consent to communicate directly with the Debtor by email with copy to Lucy Ivanoff, but she has not responded to several such requests.
7. That the undersigned has written to Lucy Ivanoff responding to the questions from the Debtor to the undersigned, but apparently Lucy Ivanoff has not forwarded such communication to her client, or responded to the undersigned.
8. That 11 U.S.C. Section 704(a)(7) provides that unless the Court orders otherwise the Chapter 7 Trustee is to furnish such information concerning the estate and the

estate's administration as is requested by a party in interest.

9. That the undersigned has received requests for information regarding the administration of the Debtor's estate from the Debtor and has communicated such requests and responses to the Debtor's counsel, but is advised by the Debtor that the Debtor's counsel has not informed her of such responses.
10. That in this case the undersigned is of the opinion that in order to properly administer the Debtor's estate and to comply with the provisions of 11 U.S.C. Section 704(a)(7) that the undersigned should be able to communicate directly with the Debtor regarding certain matters regarding the administration of the Debtor's estate and to respond to the Debtor's requests for information.
11. That pursuant to the provisions of 11 U.S.C. Section 105(a), the Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of Title 11.

WHEREFORE, the undersigned Chapter 7 Trustee respectfully prays that the Court enter an order directing and authorizing the undersigned to communicate directly with the Debtor by mail and/or email with copy to the Debtor's counsel to respond to the Debtor's requests for information and regarding the administration of the Debtor's estate.

Respectfully,
/S/ GEORGE I. VOGEL, II
George I. Vogel, II, Trustee

George I. Vogel, II, Trustee
Vogel & Cromwell, L.L.C.
P. O. Box 18188
Roanoke, Virginia 24014
(540) 982-1220
gvozel@vogelandcromwell.com

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of October, 2014 mailed or electronically transmitted a true and correct copy of the foregoing to the Debtor, to the Office of the U.S. Trustee and to Lucy Ivanoff, Esquire, counsel for the Debtor at 117 S. Lewis Street, Suite 227, Staunton, Virginia 24401, li@ivanofflaw.com.

/S/ GEORGE I. VOGEL, II
George I. Vogel, II, Trustee

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ORDER

UPON Motion of the Chapter 7 Trustee and it appearing to the Court that the Chapter 7 Trustee nor the Debtor has been able to successfully communicate with Lucy Ivanoff, counsel of record for the Debtor, and it appearing to the Court that pursuant to provisions of 11 U.S.C. Section 704(a)(7) one of the duties of the Chapter 7 Trustee, unless the Court otherwise orders, is to furnish such information concerning the estate and the estate's administration as is requested by a party in interest, and the Debtor is a party in interest, and that pursuant to the provisions of 11 U.S.C. Section 105(a) the Court may issue such orders as are necessary to carry out of the provisions of Title 11 of the United States Code, it is hereby ADJUDGED and ORDERED that the Trustee is directed and authorized to communicate directly to the Debtor by mail and/or by email, with copy to the Debtor's counsel, such information as is necessary to respond to the requests of the Debtor for information from the Trustee, and to communicate to the Debtor such information as the Trustee deems necessary to advise the Debtor regarding the estate and the estate's administration.

The Trustee shall mail or electronically transmit a copy of this order to the Debtor, to Lucy Ivanoff, counsel of record for the Debtor at 117 S. Lewis Street, Suite 227, Staunton, Virginia 24401, li@ivanofflaw.com and to the Office of the United States Trustee.

ENTER:

(CHIEF) U.S. BANKRUPTCY JUDGE

I request this order:

/S/ GEORGE I. VOGEL, II

George I. Vogel, II, Trustee
P. O. Box 18188
Roanoke, Virginia 24014
540-982-1220
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